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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina*, Australia, Barbados, Bulgaria, Canada, Chile, Costa Rica, Denmark*, Ecuador, Finland, France, Hungary, Italy, Mauritius, Netherlands, Peru, Poland, Republic of Korea, Senegal*, Switzerland*, Uruguay and Venezuela: draft resolution

# Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments in the field of human rights and humanitarian law,

Reaffirming that, pursuant to internationally proclaimed human rights and humanitarian law principles, victims of gross violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Considering that the question of restitution, compensation and rehabilitation for victims of gross violations of human rights has received insufficient attention and should be addressed more consistently and more thoroughly at international and national levels,

Welcoming in this regard the study on this subject prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, and contained in his final report (E/CN.4/Sub.2/1993/8),

Noting with particular interest the conclusions and recommendations, as well as the proposed basic principles and guidelines contained in sections VIII and IX of the final report,

1. Expresses its appreciation for the commendable work carried out by the Special Rapporteur;

2. Requests the Secretary-General to take the necessary measures, within existing resources, for the printing, publication and dissemination of the study of the Special Rapporteur;

3. Expresses the hope that priority attention will be given to the question of restitution, compensation and rehabilitation for victims of gross violations of human rights and regards the proposed basic principles and guidelines contained in the study of the Special Rapporteur a useful basis for this purpose;

4. Recommends, therefore, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in conformity with Sub-Commission resolution 1993/29 of 25 August 1993, to take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission.

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QUESTION OF HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Canada, Japan, Norway*: draft decision

The right to a fair trial

The Commission on Human Rights, noting resolution 1993/26 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expresses its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; endorses the request of the Sub-Commission to the Special Rapporteurs to continue their study, taking into account, inter alia, the comments made in the discussion of their preparatory,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

preliminary and progress reports and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations; decides to consider at its fifty-first session the final report of the Special Rapporteurs including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights, aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, taking into account the consideration of the Sub-Commission thereon at its forty-sixth session; and recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council recalling its decision 1993/291 of 20 July 1993, approves the endorsement by the Commission on Human Rights, contained in its decision 1994/... of ... March 1994, of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to submit their final report on the right to a fair trial, as described in Sub-Commission resolution 1993/26 of 25 August 1993, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary to enable them to carry out their work successfully."

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina*, Australia, Austria, Barbados, Belgium*, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic*, Denmark*, Ecuador, El Salvador*, Finland, France, Germany, Greece*, Guatemala*, Hungary, Italy, Latvia*, Liechtenstein*, Luxembourg*, Madagascar*, Netherlands, Norway*, Peru, Poland, Portugal*, Romania, Russian Federation, Senegal*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland*, Uruguay, Venezuela: draft resolution

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

GE.94-11515 (E)

1993/34. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66), intended to establish a preventive system of visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, in which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Recalling its resolution 1993/34 of 5 March 1993, in which it requested the working group to meet for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and to submit a report,

Taking note with satisfaction, of the observations and comments presented by Governments, United Nations bodies, the representative of the Committee against Torture, the Special Rapporteur on the question of torture, the representative of the European Committee for the Prevention of Torture, the head of the Division of Detention of the International Committee of the Red Cross, other invited experts and non-governmental organizations, whose contributions led to useful progress in the examination of the draft optional protocol,

Considering that the working group generally agreed that should its work continue in the same manner there was a possibility that, within a reasonable

period of time, a final text could be elaborated which could be of great significance in the field of the prevention of torture,

Recalling the firm declaration of the World Conference on Human Rights that efforts to eradicate torture should, first and foremost, be concentrated on prevention and which called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/25 and Add.1) and welcomes the substantial progress made by the working group during its second session;

2. Requests the open-ended working group to meet between sessions for a period of two weeks prior to the fifty-first session of the Commission in order to pursue its work and to submit a new report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies, and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-first session of the Commission;

6. Decides to examine the report of the working group at its fifty-first session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council

Recalling Commission on Human Rights resolution 1994/... of .. March 1994,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all the necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1994/25 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."

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Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina*, Belgium*, Canada, Finland, France, Germany, Hungary, Latvia*, Norway*, Poland, Portugal*, Russian Federation, Rwanda*, Senegal*, Slovenia*, and Switzerland*: draft resolution

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular paragraph 27 of part I and paragraphs 88, 90 and 95 of part II,

Recalling it resolution 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991, 1992/33 of 28 February 1992 and 1993/44 of 5 March 1993,

Recalling also General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Bearing in mind the principles contained in the draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), prepared by Mr. L.M. Singhi, the importance of which was noted by the Commission on Human Rights, in its resolution 1989/32 of 6 March 1989,

Noting on the one hand the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and on the other hand the link between the weakening of safeguards for the judiciary and the gravity of violations of human rights,

1. Welcomes the final report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1993/25 and Add.1), prepared by Mr. Louis Joinet, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Endorses the recommendation of the Sub-Commission, as contained in its resolution 1993/39 of 26 August 1993, to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality;

3. Requests the Chairman of the Commission to appoint, for a period of three years, after consultation with the other members of the Bureau, a special rapporteur whose mandate will consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officers but also progress achieved in protecting and enhancing such independence and make proposals for technical assistance programmes and advisory services to the States concerned;

(c) To study, in view of their topicality and importance, for the purpose of making proposals, certain questions of principle, the aim being to protect and enhance the independence of the judiciary and lawyers;

4. Urges all Governments to assist the special rapporteur in the discharge of his or her mandate and to transmit to him or her all the information requested;

5. Requests the special rapporteur, starting with the fifty-first session, to submit a report on the activities connected with his or her mandate;

6. Requests the Secretary-General, within the limits of the resources of the United Nations, to provide the special rapporteur with any assistance needed for the discharge of his or her mandate;

7. Decides to consider this question at its fifty-first session;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1994/... of ... 1994, endorses the decision of the Commission to confirm the proposal of the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommends that this take the form of a special rapporteur whose mandate will consist of the following tasks:

(a) To submit any allegations transmitted to the Special Rapporteur to adversarial examination;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officers but also progress achieved in

protecting and enhancing such independence and make proposals for technical assistance programmes and services when they are requested by the State concerned;

(c) To study, in view of their importance and topicality, for the purpose of making proposals, certain questions of principle, the aim being to protect and enhance the independence of the judiciary and lawyers;

The Council also approves the request of the Commission to the Secretary-General to provide the special rapporteur with all the assistance necessary for the completion of his or her task."

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina*, Belgium*, Canada, Finland, France, Germany, Hungary, Latvia*, Norway*, Poland, Portugal*, Russian Federation, Rwanda*, Senegal*, Slovenia*, and Switzerland*: draft resolution

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular paragraph 27 of part I and paragraphs 88, 90 and 95 of part II,

Recalling its resolutions 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991, 1992/33 of 28 February 1992 and 1993/44 of 5 March 1993,

Recalling also General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Bearing in mind the principles contained in the draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), prepared by Mr. L.M. Singhi, the importance of which was noted by the Commission on Human Rights, in its resolution 1989/32 of 6 March 1989,

Noting both the increasing frequency of attacks on the independence of judges, lawyers and court officials and the link which exists between the weakening of safeguards for the judiciary and lawyers and the gravity and frequency of violations of human rights,

1. Welcomes the final report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1993/25 and Add.1), prepared by Mr. Louis Joinet, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Endorses the recommendation of the Sub-Commission, as contained in its resolution 1993/39 of 26 August 1993, to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of potential threats to this independence and impartiality;

3. Requests the Chairman of the Commission to appoint, for a period of three years, after consultation with the other members of the Bureau, a special rapporteur whose mandate will consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers;

4. Urges all Governments to assist the Special Rapporteur in the discharge of his or her mandate and to transmit to him or her all the information requested;

5. Requests the Special Rapporteur, starting with the fifty-first session, to submit a report on the activities connected with his or her mandate;

6. Requests the Secretary-General, within the limits of the resources of the United Nations, to provide the Special Rapporteur with any assistance needed for the discharge of his or her mandate;

7. Decides to consider this question at its fifty-first session;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1994/... of ... 1994, endorses the decision of the Commission to confirm the proposal of the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of problems liable to attack this independence and impartiality, and recommends that this take the form of a special rapporteur whose mandate will consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers;

The Council also approves the request of the Commission to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his or her task."

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10 (a)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina*, Australia, Austria, Belgium*, Burundi*, Canada, Costa Rica, Denmark*, Finland, Germany, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, Luxembourg*, Netherlands, New Zealand*, Norway*, Portugal*, Romania, Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Sweden, Switzerland and United Kingdom

Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture or Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also the World Conference on Human Rights and its Vienna Declaration and Programme of Action, in particular part I, paragraph 30, in which the World Conference stated that, inter alia, torture and other cruel, inhuman and degrading treatment or punishment constituted serious obstacles to the full enjoyment of all human rights,

Recalling further part II.B.5 of the Vienna Declaration and Programme of Action concerning the eradication of torture,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another three years in resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle,

Welcoming a continuing exchange of views between the Special Rapporteur and the Committee against Torture, established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the previous Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991, 1992/32 of 28 February 1992 and 1993/40 of 5 March 1993,

1. Commends the Special Rapporteur on his report (E/CN.4/1994/31);

2 Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, in particular of the section relating to freedom from torture;

3. Stresses the recommendations of the previous Special Rapporteur, commended by the present Special Rapporteur for serious action by Governments, and in particular:

(a) Concerning the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture;

(b) That the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;

(c) That the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and that restrictions on this right should therefore be exceptional and always subject to judicial control;

(d) That each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;

(e) That interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

(f) Pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

4. Recalls that incommunicado detention is highly conducive to torture and that in the Special Rapporteur's view incommunicado detention should be forbidden;

5. Recalls the recommendation of the previous Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;

6. Endorses the recommendation of the previous Special Rapporteur that those who violate article 7 of the International Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible and that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;

7. Calls upon all States that have not yet done so to become as soon as possible parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

8. Emphasizes the importance of training programmes for law enforcement and security personnel, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

9. Encourages the Special Rapporteur to make appropriate recommendations concerning situations in which advisory services to judicial, law enforcement, detention and other authorities might assist interested Governments in combating the occurrence of torture;

10. Urges the Secretary-General to make available, as part of the United Nations programme of advisory services in the field of human rights, qualified experts in law enforcement, detention and medicine to assist Governments, at their request, in their efforts to prevent the occurrence of torture;

11. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

12. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals;

13. Considers it desirable that the Special Rapporteur should continue to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation, and that he should pursue cooperation with relevant United Nations programmes notably that on crime prevention and criminal justice;

14. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

15. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

16. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

17. Regrets that in the past year no Government has invited the Special Rapporteur to visit its country;

18. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

19. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fifty-first session.

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